



General Assembly

Substitute Bill No. 6328

January Session, 2009

* _____HB06328PH____032309_____*

**AN ACT CONCERNING CUSTOMER ACCESS TO RESTROOMS IN
RETAIL ESTABLISHMENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this
2 section:

3 (1) "Customer" means an individual who is lawfully on the premises
4 of a retail establishment;

5 (2) "Eligible medical condition" means Crohn's disease, ulcerative
6 colitis, inflammatory bowel disease, irritable bowel syndrome, celiac
7 disease or a medical condition that requires use of an ostomy device;

8 (3) "Licensed health care provider" means a physician or a physician
9 assistant licensed under chapter 370 of the general statutes or an
10 advanced practice registered nurse licensed under chapter 378 of the
11 general statutes;

12 (4) "Restroom" means a room containing a toilet; and

13 (5) "Retail establishment" means a place of business open to the
14 general public for the sale of goods or services.

15 (b) Any retail establishment that has a restroom for employee use,
16 which typically does not permit customer access to such employee

17 restroom, shall permit a customer to use the employee restroom
18 during normal business hours if the restroom is maintained in a
19 reasonably safe manner and all of the following conditions are met:

20 (1) The customer requesting access to the employee restroom
21 presents written evidence, issued by a licensed health care provider,
22 that documents that the customer suffers from an eligible medical
23 condition;

24 (2) A public restroom is not immediately accessible to the customer;

25 (3) At the time that the request for access to the employee restroom
26 is made, three or more employees of the retail establishment are
27 working; and

28 (4) The employee restroom is located in an area of the retail
29 establishment that does not present an obvious risk to the health or
30 safety of the customer or an obvious security risk to the retail
31 establishment.

32 (c) A retail establishment or employee of a retail establishment shall
33 not be liable for any acts or omissions in providing a customer access
34 to an employee restroom pursuant to the provisions of this section, if
35 such acts or omissions: (1) Do not constitute gross, wilful or wanton
36 negligence on the part of the retail establishment or employee of the
37 retail establishment; (2) occurred in an area of the retail establishment
38 that is not otherwise accessible to customers; and (3) resulted in injury
39 or death of a customer or individual other than an employee
40 accompanying the customer to the restroom.

41 (d) No retail establishment shall be required to make a physical
42 change to the employee restroom to effectuate the purposes of this
43 section.

44 (e) The Commissioner of Consumer Protection may impose a civil
45 penalty of not more than one hundred dollars for a violation of this
46 section. Any civil penalty collected pursuant to this subsection shall be

47 deposited in the consumer protection enforcement account established
48 in section 21a-8a of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2009</i>	New section
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PH *Joint Favorable Subst.*